b. Missing Claim Limitation

Claim 21 recites, inter alia, yet the applied portions of Slavin fail to teach, "transmitting a rejection of the proposed transaction **if the proposed transaction exceeds a predetermined amount.**" Instead, the applied portion of Slavin allegedly recites, at col. 10, lines 5-13:

> [i]f the toll plaza computer detects an invalid tag or **a negative balance** during an attempt to charge a toll amount, a red light 34 could be flashed or an alarm can be sounded as indicated by software block 206. Moreover, the video camera 37 which is normally operated at the toll plaza can be used to store images of the plate number and other vehicle data as indicated in block 208 and a violation enforcement procedure may be initiated (see block 210) when and if the toll plaza is equipped to do so.

Applicant respectfully asks, where does this applied portion of Slavin teach any "predetermined amount"? Applicant respectfully submits that this applied portion of Slavin does not teach, "transmitting a rejection of the proposed transaction **if the proposed transaction exceeds a predetermined amount.**"

The applied portions of the other applied references fail to cure at least these deficiencies of the applied portions of Slavin.

Thus, even if there were motivation or suggestion to modify or combine the applied portions of the references relied upon in the Office Action (an assumption that is respectfully traversed), and even if there were a reasonable expectation of success in combining or modifying the applied portions of the references relied upon in the Office Action (another assumption that is respectfully traversed), the applied portions of the references relied upon in the Office Action, **as attempted to be modified and/or combined,** still do not expressly or inherently teach every limitation of the independent claims, and consequently fail to establish a *prima facie* case of obviousness. Consequently, for at least the reasons mentioned above, reconsideration and withdrawal of these rejections is respectfully requested.

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c. No Motivation or Suggestion to Combine the Applied References

The present Office Action presents **no proof, and** notably **no evidence** whatsoever, of any "suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to":

1. "select the references";
2. "select the teachings of [the] separate references"; or
3. "combine [those teachings] in the way that would produce the claimed" subject matter.

Moreover, the present Office Action presents **no proof, and** indeed **no evidence, of anything** "in the prior art as a whole to suggest the **desirability**, and thus the obviousness, of making the **combination**."

The present Office Action fails to provide any suggestion or motivation to combine the applied portions of the relied upon references to arrive at the claimed subject matter of claim 21.

Thus, the Office Action fails to present the required **proof** of obviousness.

d. Conclusion

For at least these reasons, Applicant respectfully requests withdrawal of the rejection of claim 21.

22. Claim 22

a. *Prima Facie* Criteria

None of the applied portions of the references relied upon in the Office Action, whether considered alone or in combination, establish a *prima facie* case of obviousness. Since claim 22 depends from claim 15, Applicant respectfully incorporates by reference herein each argument presented traversing the rejection of claim 15.

b. Missing Claim Limitation

Claim 22 recites, inter alia, yet the applied portions of Slavin fail to teach, "transmitting a rejection of the proposed transaction if a total amount associated with one or more transactions

exceeds a predetermined amount." Instead, the applied portion of Slavin allegedly recites, at col. 10, lines 5-13:

> [i]f the toll plaza computer detects an invalid tag or **a negative balance** during an attempt to charge a toll amount, a red light 34 could be flashed or an alarm can be sounded as indicated by software block 206. Moreover, the video camera 37 which is normally operated at the toll plaza can be used to store images of the plate number and other vehicle data as indicated in block 208 and a violation enforcement procedure may be initiated (see block 210) when and if the toll plaza is equipped to do so.

Applicant respectfully asks, where does this applied portion of Slavin teach any "predetermined amount"? Applicant respectfully submits that this applied portion of Slavin does not teach, "transmitting a rejection of the proposed transaction if **a total amount associated with one or more transactions exceeds a predetermined amount.**"

The applied portions of the other applied references fail to cure at least these deficiencies of the applied portions of Slavin.

Thus, even if there were motivation or suggestion to modify or combine the applied portions of the references relied upon in the Office Action (an assumption that is respectfully traversed), and even if there were a reasonable expectation of success in combining or modifying the applied portions of the references relied upon in the Office Action (another assumption that is respectfully traversed), the applied portions of the references relied upon in the Office Action, **as attempted to be modified and/or combined**, still do not expressly or inherently teach **every** limitation of the independent claims, and consequently fail to establish a *prima facie* case of obviousness. Consequently, for at least the reasons mentioned above, reconsideration and withdrawal of these rejections is respectfully requested.

c. No Motivation or Suggestion to Combine the Applied References

The present Office Action presents **no proof, and** notably **no evidence** whatsoever, of any "suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to":

1. "select the references";
2. "select the teachings of [the] separate references"; or
3. "combine [those teachings] in the way that would produce the claimed" subject matter.

Moreover, the present Office Action presents **no proof, and** indeed **no evidence, of anything** "in the prior art as a whole to suggest the **desirability,** and thus the obviousness, of making the **combination.**"

The present Office Action fails to provide any suggestion or motivation to combine the applied portions of the relied upon references to arrive at the claimed subject matter of claim 22.

Thus, the Office Action fails to present the required **proof** of obviousness.

d. Conclusion

For at least these reasons, Applicant respectfully requests withdrawal of the rejection of claim 22.

23. Claim 23

a. *Prima Facie* Criteria

None of the applied portions of the references relied upon in the Office Action, whether considered alone or in combination, establish a *prima facie* case of obviousness. Since claim 23 depends from claim 15, Applicant respectfully incorporates by reference herein each argument presented traversing the rejection of claim 15.

b. Missing Claim Limitation

Claim 23 recites, inter alia, yet the applied portions of Slavin fail to teach, "transmitting a rejection of the proposed transaction **if the proposed transaction exceeds a predetermined amount for a predetermined counter-party.**" Instead, the applied portion of Slavin allegedly recites, at col. 10, lines 5-13:

> [i]f the toll plaza computer detects an invalid tag or **a negative balance** during an
> attempt to charge a toll amount, a red light 34 could be flashed or an alarm can be

sounded as indicated by software block 206. Moreover, the video camera 37 which is normally operated at the toll plaza can be used to store images of the plate number and other vehicle data as indicated in block 208 and a violation enforcement procedure may be initiated (see block 210) when and if the toll plaza is equipped to do so.

Applicant respectfully asks, where does this applied portion of Slavin teach any "predetermined amount"? Applicant respectfully submits that this applied portion of Slavin does not teach, "transmitting a rejection of the proposed transaction **if the proposed transaction exceeds a predetermined amount for a predetermined counter-party.**"

The applied portions of the other applied references fail to cure at least these deficiencies of the applied portions of Slavin.

Thus, even if there were motivation or suggestion to modify or combine the applied portions of the references relied upon in the Office Action (an assumption that is respectfully traversed), and even if there were a reasonable expectation of success in combining or modifying the applied portions of the references relied upon in the Office Action (another assumption that is respectfully traversed), the applied portions of the references relied upon in the Office Action, **as attempted to be modified and/or combined,** still do not expressly or inherently teach **every** limitation of the independent claims, and consequently fail to establish a *prima facie* case of obviousness. Consequently, for at least the reasons mentioned above, reconsideration and withdrawal of these rejections is respectfully requested.

c. No Motivation or Suggestion to Combine the Applied References

The present Office Action presents **no proof, and** notably **no evidence** whatsoever, of any "suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to":

1. "select the references";
2. "select the teachings of [the] separate references"; or
3. "combine [those teachings] in the way that would produce the claimed" subject matter.

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Moreover, the present Office Action presents **no proof, and** indeed **no evidence, of anything** "in the prior art as a whole to suggest the **desirability,** and thus the obviousness, of making the **combination.**"

The present Office Action fails to provide any suggestion or motivation to combine the applied portions of the relied upon references to arrive at the claimed subject matter of claim 23.

Thus, the Office Action fails to present the required **proof** of obviousness.

d. Conclusion

For at least these reasons, Applicant respectfully requests withdrawal of the rejection of claim 23.

24. Claim 24

a. *Prima Facie* Criteria

None of the applied portions of the references relied upon in the Office Action, whether considered alone or in combination, establish a *prima facie* case of obviousness. Since claim 24 depends from claim 15, Applicant respectfully incorporates by reference herein each argument presented traversing the rejection of claim 15.

b. Missing Claim Limitation

Claim 24 recites, inter alia, yet the applied portions of Slavin fail to teach, "transmitting a rejection of the proposed transaction if the proposed transaction exceeds **a predetermined amount for a predetermined time interval for a predetermined counter-party.**" Instead, the applied portion of Slavin allegedly recites, at col. 10, lines 5-13:

> [i]f the toll plaza computer detects an invalid tag or **a negative balance** during an attempt to charge a toll amount, a red light 34 could be flashed or an alarm can be sounded as indicated by software block 206. Moreover, the video camera 37 which is normally operated at the toll plaza can be used to store images of the plate number and other vehicle data as indicated in block 208 and a violation

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enforcement procedure may be initiated (see block 210) when and if the toll plaza is equipped to do so.

Applicant respectfully asks, where does this applied portion of Slavin teach any "predetermined amount" or a "predetermined time interval"? Applicant respectfully submits that this applied portion of Slavin does not teach, "transmitting a rejection of the proposed transaction if the proposed transaction exceeds **a predetermined amount for a predetermined time interval for a predetermined counter-party.**"

The applied portions of the other applied references fail to cure at least these deficiencies of the applied portions of Slavin.

Thus, even if there were motivation or suggestion to modify or combine the applied portions of the references relied upon in the Office Action (an assumption that is respectfully traversed), and even if there were a reasonable expectation of success in combining or modifying the applied portions of the references relied upon in the Office Action (another assumption that is respectfully traversed), the applied portions of the references relied upon in the Office Action, **as attempted to be modified and/or combined**, still do not expressly or inherently teach every limitation of the independent claims, and consequently fail to establish a *prima facie* case of obviousness. Consequently, for at least the reasons mentioned above, reconsideration and withdrawal of these rejections is respectfully requested.

c. No Motivation or Suggestion to Combine the Applied References

The present Office Action presents **no proof**, and notably **no evidence** whatsoever, of any "suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to":

1. "select the references";
2. "select the teachings of [the] separate references"; or
3. "combine [those teachings] in the way that would produce the claimed" subject matter.